

REMARKS

Claims 1 - 8 remain in the application. Claim 1 has been amended. Reconsideration of this application in view of the amendments noted is respectfully requested.

With respect to the amendments to claim 1, claim 1 now reads that a packaging bag with zipper according to the invention comprises "front side and rear side sheet sections forming said bag." Male and female zipper tape is bonded to inner faces of these front side and rear side sheet sections. Claim 1 has also been amended such that the opening end of the bag is located above the zipper tapes instead of above a position where the zipper is disposed. Further, claim 1 has been amended to read that the opening end of the bag is closed by means of heat sealing "so that said male and female zipper tapes are enclosed within said bag." Finally, claim 1 has been amended to read that "said respective sheet sections are bonded together in at least a region below an engaging section of said zipper tapes" instead of the respective zipper tapes being bonded together in this region.

Claims 1 - 8 were rejected under 35 U.S.C. Section 112, first paragraph, as failing to comply with the written description requirement. Specifically, the Office Action states that the disclosure does not contain a description of "an interface peeling action, an interlayer peeling action, or a cohesive peeling action" and how they are distinguished from each other. Also, claims 1 - 8 were rejected under 35 U.S.C. Section 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Office Action states that it "is unclear what structure provides "an interface peeling action, an interlayer peeling action, or a cohesive peeling action."

"An 'interface peeling action,'" "an interlayer peeling action," and "a cohesive peeling action" can be explained with reference to drawings (A), (B), and (C) attached to this response as Appendix 1. Figure A in Appendix 1 illustrates "an interface peeling action." A container and a lid member are peeled off at the interface of a sealant. "Interface peeling action" may also be referred to as "interfacial delamination,"

"interfacial exfoliation," or "partial debonding along boundary." Figure B of Appendix 1 illustrates "an interlayer peeling action." "Interlayer peeling action" may generally be referred to as "delamination." Figure C of Appendix 1 illustrates "a cohesive peeling action," showing a lid member being peeled off a container due to the cohesive failure of the sealant. "Cohesive peeling action" may also be referred to as "cohesion break" or "cohesive failure." Applicant submits that these terms are familiar to one skilled in the art and are therefore not indefinite. Hence, applicant respectfully requests that the Section 112, first and second paragraph rejections of claims 1 – 8 be withdrawn.

Claims 1, 2, 4, 5, 7, and 8 were provisionally rejected under 35 U.S.C. Section 101 as claiming the same invention as that of claims 1, 2, 4, 5, 7, and 8 of Application No. 10/700,900. Also, claim 6 was provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claim 6 of Application No. 10/700,900. Applicant submits that Application No. 10/700,900 has been abandoned, therefore obviating the provisional double patenting rejections. Hence, applicant requests that the provisional double patenting rejections be withdrawn.

Claims 1, 5, and 6 were rejected under 35 U.S.C. Section 102(b) as being anticipated by Tomic (EP 1 132 310 A2). Applicant respectfully traverses this rejection. Tomic discloses a reclosable package including a zipper having a peel seal that is a tamper-evident structure to notify whether access has been gained to the zipper closure or to the package interior. The zipper is at the opening end of the package and is exposed to the environment outside of the package.

In contrast, the present invention includes male and female zipper tapes bonded to inner (inside) faces of a package bag in the vicinity of an opening end of the package. The opening end of the package is located above the zipper tapes when the package is in an upright position. The opening end of the bag is closed by means of heat sealing so that the male and female zipper tapes are enclosed within the bag. In Tomic, the opening end of the package is not heat sealed but rather is unsealed. The opening end of the package of Tomic is only closed by the zipper. Further, in Tomic the zipper is not enclosed within the

package, whereas in the present invention the zipper is enclosed within the package. Hence, the present invention includes features not found in Tomic. Furthermore, the sealing taught by Tomic is imperfect and allows foreign substances or microbes to enter into the package through the zipper. The structure of the present invention differs in that it includes a perfect outer seal that does not allow foreign substances or microbes to enter into the package. Therefore, claim 1 is not anticipated by Tomic. Claims 5 and 6, depending from claim 1, are also not anticipated by Tomic.

Moreover, Tomic does not disclose the limitations of claims 5 and 6. With respect to claim 5, Tomic does not disclose the inner faces of both zipper tapes being made from a polyethylene type resin or polypropylene type resin. Nor does Tomic disclose a hot melt type adhesive resin section being provided on the inner face of one of the zipper tapes, at least in a bonding region formed by heat sealing below the engaging section of the zipper tapes. Tomic teaches materials for sealant layers (52, 54) which are bonded to outer faces of the zipper (see paragraph 23). Tomic, however, does not teach inner faces of both zipper tapes being made of a polyethylene type resin or polypropylene type resin, nor does Tomic teach a hot melt adhesive resin section on the inner face of one of the zipper tapes.

With respect to claim 6, Tomic does not disclose a hot melt type adhesive resin section bonded to the inner layer of the bag that is provided on an outer face of a zipper tape made from a polyethylene type resin or polypropylene type resin.

For these reasons, applicant respectfully requests that the Section 102(b) rejection of claims 1, 5, and 6 as being anticipated by Tomic be withdrawn.

Claims 2 – 4, 7, and 8 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Tomic. Applicant respectfully traverses this rejection. To begin, claim 1 is allowable over Tomic. Claims 2 – 4, 7, and 8, depending from claim 1, are therefore also allowable.

Further, Tomic does not teach or suggest the combination of materials of the zipper tapes and the inner layers of the package as found in claims 2 – 4, 7, and 8. Specifically, with respect to claim 2, Tomic does not teach or suggest making one of the zipper tapes

from a hot melt type adhesive resin and the other zipper tape from a polyethylene type resin or polypropylene type resin of the same kind as the material forming the inner layers of the bag. This results in one of the zipper tapes being completely fused with the inner layer of the bag, while the heat sealing strength between the zipper tapes is approximately 5 N / 15 mm, allowing the zipper tapes to be peeled apart. (See page 11, line 17 – page 12, line 14 of the specification). These features are not taught or suggested by Tomic, nor an obvious design choice in view of Tomic.

With respect to claim 3, Tomic does not teach or suggest both zipper tapes being made from a polyethylene type resin or polypropylene type resin that is the same as the material forming inner layers of the bag. Nor does Tomic teach or suggest providing a hot melt type adhesive resin section on one of the zipper tapes at least in a bonding region formed by heat sealing below the engaging section of the zipper tapes. Due to this structure, the zipper tapes may be peeled apart along the hot melt type adhesive resin section. (See page 13, lines 5 – 24 of the specification). These features are not taught or suggested by Tomic, nor an obvious design choice in view of Tomic.

With respect to claim 4, Tomic does not teach or suggest one of the zipper tapes being made from a hot melt type adhesive resin, and the other zipper tape being made to have an outer face made from a polyethylene type resin or polypropylene type resin that is the same as the material forming the inner layers of the bag. Nor does Tomic teach or suggest having an inner face made from a polyethylene type resin or polypropylene type resin of a different kind from the material forming the inner layers of the bag. Again, this allows for peeling apart of the zipper tapes while at the same time provides for one of the zipper tapes being permanently fused to the inner layer of the bag. These features are not taught or suggested by Tomic, nor an obvious design choice in view of Tomic.

With respect to claim 7, Tomic does not teach or suggest both zipper tapes being made from a resin containing a material comprising a random mixture of a straight-chain low-density polyethylene type resin and a polybutene-1 resin. This allows for the zipper tapes to not couple completely in the bonding region, making it possible to peel the zipper

tapes apart by means of a cohesive peeling action. (See page 14, lines 13 – 25 of the specification). These features are not taught or suggested by Tomic, nor an obvious design choice in view of Tomic.

Finally, with respect to claim 8, Tomic does not teach or suggest a resin section containing a material comprising a random mixture of a straight-chain low-density polyethylene type resin and a polybutene-1 resin that is provided on the inner faces of both zipper tapes, at least in a bonding region formed by heat sealing below the engaging section of the zipper tapes. This also allows for the zipper tapes to be peeled apart in the bonding region by means of a cohesive peeling action. (See page 14, line 28 – page 15, line 11 of the specification). These features are not taught or suggested by Tomic, nor an obvious design choice in view of Tomic.

For these reasons, applicant respectfully requests that the Section 103(a) rejection of claims 2 – 4, 7, and 8 over Tomic be withdrawn.

Applicant submits that claims 1 – 8 are allowable over the cited references.

This amendment and request for reconsideration is felt to be fully responsive to the comments and suggestions of the examiner and to present the claims in condition for allowance. Favorable action is requested.

Respectfully submitted,

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